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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

CHASOM BROWN, WILLIAM BYATT,  
JEREMY DAVIS, CHRISTOPHER  
CASTILLO, and MONIQUE TRUJILLO,  
individually and on behalf of all similarly  
situated,

Plaintiffs,

v.

GOOGLE LLC,  
Defendant.

Case No. 5:20-cv-03664-LHK-SVK

**ORDER LIMITING ONGOING  
DISCOVERY**

Referral: Hon. Susan van Keulen, USMJ

## ORDER

Before the Court is the parties' Joint Discovery Submission. Having considered the parties' statements and other papers on file, and good cause having been found, the Court **ORDERS** as follows:

## 1. *Interrogatories.*

Unless otherwise stipulated or ordered by the Court, a party may serve no more than 40 interrogatories, including all discrete subparts. Fed. R. Civ. P. 33. As of the date of this Order, Google has not yet provided any responses to Interrogatory Nos. 8 and 11 through 17, including on the basis of the parties' dispute about counting interrogatories (Dkt. 281, P13). Google shall provide responses to those interrogatories within 10 business days of this Order, and the responses may not include objections on the ground that Plaintiffs have exceeded the interrogatory limit. For purposes of the 40 -interrogatory limit, Plaintiffs' first 17 interrogatories shall be counted as 20 interrogatories.

## *2. Requests for Admission.*

Absent a showing of good cause, each party shall be limited to 75 Requests for Admission (“RFAs”). This limit shall not apply to RFAs to authenticate documents or otherwise used to admit evidence.

### **3. *Resolving Outstanding Requests for Production.***

By October 26, 2021, Plaintiffs are to identify 20 Requests for Production (“RFPs”) from among the 66 RFPs in their Sixth and Seventh Sets of RFPs. The parties agree to meet and confer in good faith concerning the RFPs, including a production and privilege log timeline, and seek Court intervention only in the event they reach an impasse.

1           4. ***Future Requests for Production.***

2           The parties may not serve more than 20 RFPs after the date of entry of this order. The time  
3 to respond or object to new RFPs under Fed. R. Civ. P. 34(b)(2)(A) is hereby shortened to fourteen  
4 (14) days from service, and the parties shall meet-and-confer in person or via video conference  
5 within three (3) business days of service of the objections and responses and conclude negotiations  
6 within seven (7) business days.  
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8           5. ***Last-in-Time Emails.***

9           For all custodians and email productions, Google shall produce last-in-branch emails,  
10 including email messages with non-duplicative attachments, so that Plaintiffs receive all non-  
11 privileged, responsive email content. Google will not be required to produce wholly duplicative  
12 earlier-in-branch emails, except that, for any noticed deponent, Google shall also produce all  
13 custodial earlier-in-branch emails and attachments no later than one week before the deposition,  
14 provided that the deposition is noticed at least three weeks in advance of the deposition date.  
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16           6. ***Search Terms.***

17           The parties agree to meet and confer in good faith should Plaintiffs wish to seek any  
18 additional, targeted search terms, and seek Court intervention in the event they reach an impasse.  
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20           7. ***Custodians.***

21           The Court has imposed a cap of 42 Google custodians. Absent a Court order, where  
22 Plaintiffs would need to show good cause and Google permitted an opportunity to respond, the  
23 parties will not add any custodians.  
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25           8. ***Depositions.***

26           Considering the parties' arguments in the prior submission (Dkt. 281 at 9, P17), Plaintiffs'  
27 prior 30(b)(6) depositions of Jesse Adkins and Glenn Bernstein were taken pursuant to Court order  
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1 and shall not be counted against the 20 deposition limit ordered by the Court, and Plaintiffs therefore  
2 have 19 additional depositions.

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**SO ORDERED.**

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DATED: October 20, 2021

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HON. SUSAN VAN KEULEN  
United States Magistrate Judge